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August 21, 2015

Margarita Brear
Agent for Service of Process
Compucraft Industries, Inc
8787 Olive Lane
Santee CA 92071

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**Re: Clean Water Act Notice of Intent to Sue/60-Day Notice Letter
Compucraft Violations of General Industrial Permit**

Dear Ms. Brear:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) regarding Compucraft Industries, Inc's violations of the State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Industrial Permit). This letter constitutes CERF's notice of intent to sue for violations of the Clean Water Act and General Industrial Permit for Compucraft Industries, Inc, located at 8787 Olive Lane, Santee, CA ("Facility" or "Compucraft"), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of Compucraft's Clean Water Act violations and CERF's intent to sue.

I. Coastal Environmental Rights Foundation (CERF)

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office in Encinitas, CA. CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. Members of CERF use and enjoy the waters into which pollutants from Compucraft's ongoing illegal activities are discharged into the San Diego River and Forester Creek, and eventually the Pacific Ocean. The public and members of CERF use the San Diego River and Forester Creek to fish, sail, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. The discharge of pollutants by the Compucraft Facility affects and impairs each of these uses. Thus, the interests of CERF's members have been, are being, and will continue to be adversely affected by Compucraft Owners and/or Operators' failure to comply with the Clean Water Act and the General Industrial Permit.

II. Storm Water Pollution and the General Industrial Permit

A. Duty to Comply

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311 (a)). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the General Industrial Permit in order to lawfully discharge. Compucraft enrolled as a discharger subject to the General Industrial Permit on March 7, 2012 for its facility at 8787 Olive Lane in Santee, California (WDID No. 9 371023545).

Pursuant to Section C(1) of the General Industrial Permit, a facility operator must comply with all conditions of the General Industrial Permit. Failure to comply with the General Industrial Permit is a Clean Water Act violation. (General Industrial Permit, § C.1). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) General Industrial Permit termination, revocation and re-issuance, or modification; or (c) denial of a General Industrial Permit renewal application. As an enrollee, Compucraft has a duty to comply with the General Industrial Permit and is subject to all of the provisions therein.

B. Failure to File An Annual Report

Section B(14) requires that all facility operators submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located. The Annual Report must include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the annual comprehensive site compliance evaluation report, an explanation of why a facility did not implement any activities required, and records specified in Section B(13) and B(14) of the General Industrial Permit. The Annual Report is necessary in order to assess the facility's compliance and prevent excess discharges from the facility into receiving waters (San Diego River and Forester Creek).

Every day the Compucraft Owners and/or Operators operate the Facility without reporting, as required by the General Industrial Permit, is a separate and distinct violation of the General Industrial Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Compucraft Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit's reporting requirements every day they fail to submit reports to the Regional Board. The Compucraft Owners and/or Operators are subject to penalties for all violations of the General Industrial Permit and the Clean Water Act occurring since they failed to timely submit an annual report, beginning July 1, 2014. The 2013-2014 and 2014-2015 Annual Reports are still outstanding.

Thus, the Compucraft Owners and/or Operators are liable for civil penalties and violations of the reporting requirements of the General Industrial Permit and the Clean Water Act, punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

C. Failure to Monitor

The Compucraft Owners and/or Operators have further failed to sample as required for the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 years. Sections B(5) and (7) of the General Industrial Permit require dischargers to visually observe and collect samples of storm water discharged from all locations where storm water is discharged. Facility operators, including the Compucraft Owners and/or Operators, are required to collect samples from at least two qualifying storm events each wet season, including one set of samples during the first storm event of the wet season. Required samples must be collected by Facility operators from all discharge points and during the first hour of the storm water discharge from the Facility. Sampling of stored or contained storm water shall occur any time the stored or contained storm water is released.

The Compucraft Owners and/or Operators have completely failed to meet these monitoring requirements for the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 periods, despite the fact that there were numerous qualifying rain events during these wet seasons.

In fact, many of Compucraft's neighbors were able to monitor during these wet seasons. Advance Electromagnetics, located at 9311 Stevens Road in Santee, was able to sample on May 6, 2013 and March 3, 2014. In addition, Valley Box Company, Inc, located at 16011 Prospect Avenue, Santee, was able to sample twice during the 2012-2013 wet season, on December 13, 2012 and December 18, 2012. Valley Box Company, Inc also sampled on February 28, 2014.

RCP Block and Brick, Inc, located at 9631 Magnolia, Santee, and Artistic Marble & Granite, Inc, located at 9323 Stevens Road, Santee were likewise able to sample on December 13, 2012. Artistic Marble & Granite, Inc also sampled on January 25, 2013, December 19, 2013, and February 3, 2014.

The Compucraft Owners and/or Operators therefore had numerous opportunities to sample but failed to do so. They are thus subject to penalties in accordance with the General Industrial Permit – punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

D. Inadequate Storm Water Pollution Prevention Plan

One of the main requirements for the General Industrial Permit is the Storm Water Pollution Prevention Plan (SWPPP). (General Industrial Permit §A). Compucraft has not developed an adequate SWPPP as required by the General Permit.

The SWPPP has two major objectives: (1) to help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges, and (2) to describe and ensure the implementation of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges. (General Industrial Permit, Fact Sheet, p. IX).

The Compucraft SWPPP fails to identify Forester Creek or the San Diego River on its Facility map as required by section A.4.a, or the location of the storm water collection or conveyance system as required pursuant to section A.4.b.

The SWPPP also fails to incorporate the New Industrial Permit monitoring requirements¹. (New Industrial Permit, Section XI.B.2.). Further, the Facility discharges to a 303(d) listed water body, which requires additional evaluation under the New Industrial Permit for multiple constituents which are likely to be associated with industrial storm water. Thus, the SWPPP fails to evaluate the Facility's potential contribution of pollutants for which Forester Creek is listed. (New Industrial Permit, §X.G.2.a.ix; XI.B.6.e.).

Every day the Compucraft Owners and/or Operators operate the Facility without an adequate SWPPP, there is a separate and distinct violation of the General Industrial Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Compucraft Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit for not submitting an adequate SWPPP since enrollment. These violations are ongoing and the Compucraft Owners and/or Operators will continue to be in violation every day they fail provide a SWPPP for the Facility. Thus, the Compucraft Owners and/or Operators are liable for civil penalties of up to \$37,500 per day of violation of the General Industrial Permit and the Clean Water Act.

III. Remedies

Upon expiration of the 60-day period, CERF will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, CERF is willing to discuss effective remedies for the violation noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, CERF will move forward expeditiously with litigation.

Compucraft must develop and implement an updated SWPPP and implement a robust monitoring plan. Should the Compucraft Owners and/or Operators fail to do so, CERF will file an action against Compucraft for its prior, current, and anticipated violations of the Clean Water Act. CERF's action will seek all remedies available under the Clean Water Act § 1365(a)(d). CERF will seek the maximum penalty available under the law which is \$37,500 per day.

CERF may further seek a court order to prevent Compucraft from discharging pollutants. A strong or substantial likelihood of success on the merits of CERF's claim exists, and irreparable injuries to the public, public trust resources, and the environments will result if the Facility further discharges pollutants into Forester Creek. The cessation of the Facility's discharge will not cause substantial harm to others, and the public interest would be served in preventing discharge of pollutants into receiving waters.

Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF will seek to recover all of its costs and fees pursuant to section 505(d).

¹ On April 1, 2014, the State Water Resources Control Board adopted Order No. 2014-0057-DWQ, which amends the Industrial General Permit ("New Industrial Permit"). These amendments become effective on July 1, 2015. All references to the General Industrial Permit are to the Permit as it existed at the time of the violations noted herein.

IV. Conclusion

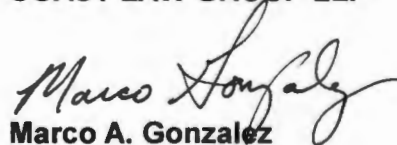
CERF has retained legal counsel to represent it in this matter. Please direct all communications to Coast Law Group:

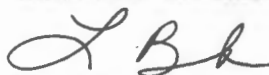
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CERF will entertain settlement discussions during the 60-day notice period. Should you wish to pursue settlement, please contact Coast Law Group LLP at your earliest convenience.

Sincerely,

COAST LAW GROUP LLP


Marco A. Gonzalez



Livia Borak
Attorneys for
Coastal Environmental Rights Foundation

cc:

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